

Admitted:
California
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Law Offices
of

PETER A. CASCIATO
A Professional Corporation

Roundhouse Plaza
1500 Sansome Street, Suite 201
San Francisco, CA 94111
Telephone: (415) 291-8661
Facsimile: (415) 291-8165

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FEDERAL EXPRESS/BY MESSENGER

April 24, 1992

Donna Searcy, Secretary
Federal Communications Commission
1919 M Street NW Suite 222
Washington, D.C. 20054

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FM EXAMINERS

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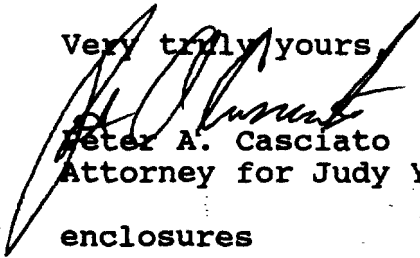
Federal Communications Commission
Office of the Secretary

Re: Application of Judy Yep Hughes (File No. BPH-911115MT)
For A New FM Radio Station in Windsor, CA

Dear Ms. Searcy:

Enclosed for filing are an original and four copies of Judy Yep Hughes' Opposition to Petition To Deny. Should you have any questions concerning this matter, please contact the undersigned.

Very truly yours,


Peter A. Casciato
Attorney for Judy Yep Hughes

enclosures

cc: Public File w/encls.

PAC:sc

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APR 27 1992

Before the
Federal Communications Commission
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re Applications of)

WINDSOR WIRELESS)

MARGERY E. CLARK)

ERIC R. HILDING)

JUDY YEP HUGHES)

For a new Construction Permit
for a new Commercial FM Radio
Station on Channel 281A,
Windsor, California)

FCC File No. BPH-911115ME

FCC File No. BPH-911115MJ

FCC File No. BPH-911115MR

FCC File No. BPH-911115MT

To: Chief, FM Branch

OPPOSITION TO PETITION TO DENY

By: Mr. Hughes ("Hughes") by her attorney and pursuant to

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AUG 28 1992
FEDERAL COMMUNICATIONS COMMISSION

noting that Hilding is wrong on all accounts and that all of the information as stated in Section V-B is correct and that, in fact, nearly identical facilities have previously been granted at the proposed site to station KMGG (BPH-860220IB). Equally as compelling, Mr. Anderson notes that Hilding offers no verified contrary engineering to support his unsupported allegations. As a result, Hilding's petition neither raises substantial and material questions of fact nor does it contain supporting affidavits, warranting its denial and dismissal. See e.g., Astroline Communications Co. v. FCC, 857 F. 2d. 1556 (D.C. Cir. 1988)

Hilding's arguments concerning RF radiation analysis are equally meritless. As Mr. Anderson notes in his declaration, Hughes' engineering, which he performed, complies with FCC Bulletin OST-65 and a simple analysis of Table I in OST-65 demonstrates compliance with ANSI C95.1-1982. See Exhibit 1 hereto at p. 2.

Hilding's final engineering allegation is also flawed. The location of the city of Windsor is clearly identified in a circle on Hughes' map, Exhibit 4 to Section V-B, and it is self-evident that the 3.16 mV/m contour encompasses Windsor. As the Commission held in Richard Culpepper, 67 RR 2d 1304, 1305 (1990), no further identification of signal contours over the city of license is required, if principal city coverage is self-evident. Thus, this allegation must be dismissed and denied.

B. Hilding's Other Erroneous Allegations

Hilding's other allegations have no basis in law. First, he assails Hughes for failing to amend her application to reflect the D.C. Circuit's opinion in Lamprecht v. FCC No. 88-1395 (D.C. Cir. February 19, 1992), holding that the female enhancement factor under the comparative analysis was unconstitutional.

~~Hughes was under no duty to report to the Commission under~~

Hilding's final allegation is that Hughes failed to indicate the contact person at Wells Fargo Bank, Hughes' bank under Section III, Q.3, of her application. The absence of this name was an inadvertent omission from Hughes' application which does list the location and telephone number of the only Wells Fargo branch bank in Healdsburg, CA. The contact person is the AVP Bank Manager, who currently is Paul Yeomans¹. This innocent de minimus omission neither runs afoul of the Commission's processing guidelines nor subjects Hughes' application to challenge². See e.g. Revision of Application for Construction Permit For Commercial Broadcast Station (FCC Form 301), 66 RR2d 519, 530 (1989) (applications are only facially deficient and subject to return if applicant fails to identify adequate funds or source of funds); accord R.J. Winter FCC 92-160, released April 3, 1992. Thus, like all the other Hilding allegations, this too should be rejected and dismissed as neither substantial nor material. Astroline Communications v. FCC, supra.

Conclusion

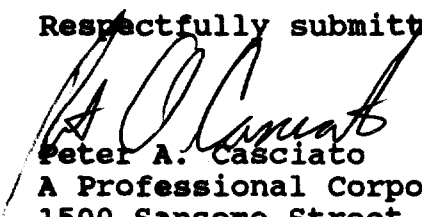
The Hilding Petition, as it pertains to Hughes, is

¹ An amendment to Hughes' application will be filed shortly, reflecting this information.

² Indeed, as it turns out, the lack of a name did not stop Hilding from actually contacting the Healdsburg Wells Fargo office, which he did on April 10, 1992. At that time, Mr. Hilding misrepresented to the bank and Mr. Yeomans that Ms. Hughes' private banking information, other than that required by the application, is of public record -- which it is not -- and which Mr. Yeomans so informed him.

meritless. It should be dismissed and denied.

Respectfully submitted,



Peter A. Casciato

A Professional Corporation
1500 Sansome Street Suite 201
San Francisco, CA 94111
(415) 291-8661

April 24, 1992

Attorney for Judy Yep Hughes

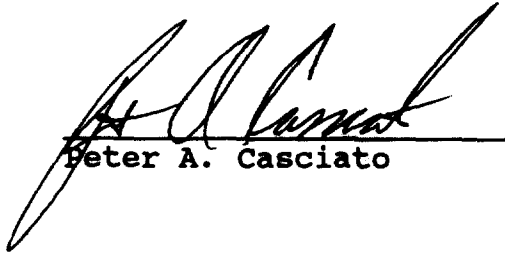
CERTIFICATE OF SERVICE

I, Peter A. Casciato, under penalty of perjury, hereby declare that a copy of this "Opposition to Petition to Deny" has been sent via First Class mail, U.S. postage prepaid, today, April 24, 1992, to each of the following:

Lee W. Shubert
Haley Bader & Potts
2000 M Street, N.W., Suite 1100
Washington, D.C. 20036
Attorney for Windsor Wireless

Eric R. Hilding
P.O. Box 1700
Morgan Hill, CA 95038-1700

Margery E. Clark
8401 Oak Way
Windsor, CA 94592



Peter A. Casciato

EXHIBIT 1

NEW FM STATION WINDSOR, CALIFORNIA

STATEMENT OF HARRY R. ANDERSON, CONSULTING ENGINEER

The firm of H.R. Anderson & Associates, Inc. has been retained by Judy Yep Hughes to prepare a response to engineering issues raised in a Petition to Deny Ms. Hughes' application for a construction permit to build a new commercial FM station at Windsor, California (FCC File No. BPH-911115MT). The response to these engineering issues are contained in this statement.

Issue A

The figures shown in the Hughes application on FCC Form 301 Section V-B for ERP and height are correct and fully in compliance with applicable FCC Rules. In fact, the proposed facilities are nearly identical to FM facilities for which the FCC granted a construction permit to station KMGG (permit number BPH-860220IB). Moreover, the Petition to Deny offers no alternate engineering calculations demonstrating that an error exists in the Hughes calculations. Consequently, the assertion in the Petition to Deny that the Hughes' figures are incorrect is false, and the engineering work on which that assertion is based is incompetent.

Issue B

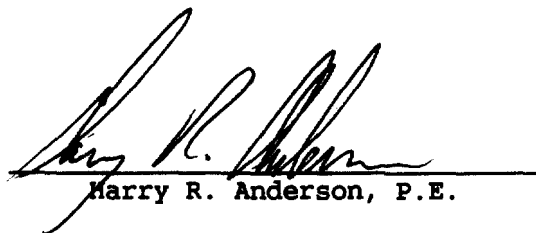
The Hughes application contains the appropriate certification that the proposed facility meets the RF Radiation Exposure guidelines as set forth in FCC Bulletin OST-65. The Hughes application also explicitly states that the required calculations to ascertain compliance were done. There is no FCC requirement that the application contain any specific numerical results; indeed, the undersigned has prepared several other similar analyses for FM applications, all of which the FCC has approved. It is also obvious from a

simple inspection of Table I in OST-65 that a 2-bay FM antenna operating with a total ERP (H+V) of 0.5 kW as Hughes proposes need only be 4.1 meters above ground to comply with ANSI C95.1-1982. Hughes proposes to locate its antenna at 20 meters above ground.

Issue C

The coverage map in Hughes Exhibit 4 shows the location of the city of Windsor as a small circle on the map. It is self-evident from Hughes Exhibit 4 that the proposed 3.16 mV/m F(50,50) contour encompasses Windsor. The assertion also found in Issue C that the population and area data are incorrect is also false for the reasons cited under issue A above.

April 22, 1992



Harry R. Anderson, P.E.

H.R. Anderson & Associates, Inc.
P.O. Box 1547
Eugene, Oregon 97440
(503) 687-0414